

**THE HAWAIIAN STAR.**  
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**HOIST BY HER OWN PETARD.**

The ex-Queen's statement to Mr. Blount will go into political literature beside her power of attorney to Neumann as a complete give-away. In the latter she admitted that she had yielded her authority to the Provisional Government and that she was ready to stop intruding to get it back again if paid to do so in coin; in the other she underscores the charge that she brought about the events of January 17th by trying to force a constitution of her own into the place of the legal charter of the country.

"At the Cabinet meeting," she says, "I told the Cabinet it was my intention to promulgate a new constitution." Mark the Mr. There is no sign of any purpose to ask the advice of the Cabinet or to appeal to the people. It is all a matter of her personal will. She admits that her Ministers baffled and tried to thwart her and she criticizes them for it. All the reference she seems to have made to any one of the new charter in advance of her announcement of it to the Cabinet was to two members of the Legislature (natives?) who helped her prepare the document. After completing it she placed it in the hands of Peterson (then Attorney-General) asking him to revise and correct the phraseology. Later she told Wilson and Nowlin when and where she should promulgate it. Some assumption of the wishes of her native subjects according with her own is indeed shown in the statement, but as the natives had never been polled on the matter and as the dismal farce of a native procession to the Palace yard was arranged for by herself, the story must go as so much playing to the galleries. After it has been told the fact remains that the Queen tried to perform an act of despotism that few European monarchs would dare have ventured upon and that she deserved an even worse fate than that which fell to her.

It is amazing that Cleveland and Gresham should have thought to benefit the Royalist cause by printing these tell-tale disclosures. To say the least it shows a singular want of knowledge of how Americans must regard the act which the late sovereign boasts of. Trampling upon constitutions and trying to create new ones by personal fiat, may seem a small thing to the dictatorial worthy who now and for the last time occupies the White House; but the American people will pass the proper judgment upon it with an almost unanimous voice. They may be trusted to put themselves in our places and imagine what they would do if, on some fine morning, a President of the United States should declare that the charter of Jefferson did not suit him, and that he would soon announce and enforce a new one which he had drawn up in company with two members of the national Congress. Judging what their own course would then be, they will be in the proper frame of mind to interpret ours. We mistake that great people if they do not say that they would have blushed for Hawaiians had we done less than to revolt and to maintain by force the legal constitution and the laws.

It was not to have been expected that the ex-Queen herself would take the witness stand to prove how sacred and how American was the incentive to overturn the royal Government, but now that she has done so we cheerfully leave her in the hands of the jury of American public opinion.

**A SHORT HORSE SOON CURRIED.**

We acknowledge the receipt of a foreign letter in which the question is asked: "If the United States leave your people to work out their own salvation can they hold their own against domestic violence?" Certainly they can! As readily as the 80,000 Englishmen in India hold their own against 200,000,000 natives. Give us something not so easy.

What is the matter of John W. Kalua for Judge at Wailuku?

**SHEEPLY MEEKNESS.**

It is to be wished that the Royalist critics of the Minister of Finance, who sneer at him for not breaking up the Government because he and his colleagues had failed to agree about the policy of removals, might now be heard as to the political manhood of the four who composed the Cabinet of the Queen. If anybody has received an expression of want of confidence it is this quartette. If any politician has been satirized, abused and brow-beaten by the head of his own party it is the man who held a Royalist portfolio on January 17th. "Colburn," says the ex-Queen in her statement to Blount, "played the traitor." And not satisfied with denouncing one of her then Ministers she includes them all in these sneering words: "Peterson said he had not read the Constitution. I told him he had it in his possession a whole month. The Ministers left Parker to try and dissuade me from my purpose, and in the meantime they went to the Government Building to inform Thurston and his party of the stand I took. Of course, they were instructed not to yield."

Again: "They led me to the edge of the precipice, and now were leaving me to take the leap alone."

If we are to accept the ethics of the Royalist journals as mis-applied to a distinguished and honorable member of the Provisional Ministry, it would be the duty of these ex-advisers to now turn away from the ex-Queen and her schemes and wash their hands of both. Undoubtedly that is the course which men of any self-respect would take. It is one that would naturally devolve upon a man of honor. Yet what do we find but each of these spaniel statesmen, running daily to Washington Place, still calling themselves "Her Majesty's Ministers" and trying to forget the marks of their chastisement in adulation of the hand that smote. It is plain that not one of them could be insulted out of any chance he might think he possessed of getting back the office from the "Queen," which she says he used for the purpose of betraying her.

*Par nobis fratrum.*

**THE TRAMWAYS.**

When the late Wm. H. Vandebilt exchanged the public with a big, big D he set the pegs for corporate monopolies in general and the Royal Hawaiian Tramcar Company in particular.

We have before pointed out the defects of the tramcar service, the negligence and discourtesy of drivers, the dirt in the cars, etc., and there remains to be discussed the condition of the tracks. Under the terms of its charter the company is required to keep the rails on a level with the street surface; but in the matter of practice the rails appear in many places above the grade and are a danger to the wheels of vehicles. Several complaints have been received at this office of accidents or narrow escapes from them; of injured rolling stock, etc., due to this cause; and the question is asked whether or not the company can be compelled to abide by the terms of its charter.

Upon the latter point there is of course no ground for doubt. Such compulsion could not fail of legal effect; and that it is deserved appears in the fact that at no time for years has more than 60 per cent. of the track been in good condition. All that is needed to bring the railroad to time is for somebody to take the initiative steps.

OUR esteemed neighbor, the *Advertiser*, does Judge Robertson an injustice by printing items which imply that he is a Royalist. If such had been his politics the *STAR* would have resisted his appointment, which it knew of in advance; but on learning, as it did from a member of the Cabinet, that Mr. Robertson had been writing annexation letters to the American press and that he disagreed wholly with the political views of his brother, the ex-Chamberlain, this journal welcomed the appointment. We regret that Judge Robertson has not signed the roll of the Annexation Club along with the Chief Justice and other distinguished Hawaiian jurists, but as several men have not done that whose loyalty is unquestionable, the fact fails to justify any doubts as to where Judge Robertson stands. To commend the late incumbent of the District bench, Wm. Foster, as the *Advertiser* saw fit to do when he retired, and to reflect upon the politics of Judge Robertson are circumstances inconsistent with known facts.

AGAIN we ask: What has become of the unimpeachable testimony which Blount took from Annexationists?

It is pleasing to find that newspaper business on the Annexation side is looking up. The *STAR*, as the public is aware, has found it necessary to issue a weekly about the first of the year; and now comes the *Advertiser* to say that it will add six columns to its daily output and appear with 1894 in the eight-page form. All this means prosperity now and fair skies ahead. We hasten to congratulate our Merchant street neighbor and to assure it that the *STAR* will see it later.

THE recent statement of Colburn about Thurston evidently wasn't written in collusion with the ex-Queen's. The two documents contradict each other woefully.

**THE LAW IN THE CASE.**

FULL TEXT OF JEFF CHANDLER'S OPINION.

President Cleveland's Proposed Course Subjected to a Profound Legal Analysis.

By request the *STAR* prints the full text, exclusive of the authorities quoted, of Jeff Chandler's opinion upon the constitutional aspects of Cleveland's Hawaiian policy. Mr. Chandler is a leading Democratic exponent of constitutional law.

"President Cleveland has no more right to inquire into the methods by which the Provisional Government was established in Hawaii than he has to inquire into the means by which the republic of France was established, and to use the military forces of the United States to overthrow that republic. When Mr. Cleveland rode down Pennsylvania avenue to take the oath of office on March 4 last, the Provisional Government of Hawaii had been recognized by the United States, and its Ministers were in this capital. Mr. Cleveland has no more constitutional right to use the military power of the United States to overthrow that Provisional Government than he has to direct the military and naval forces of the United States to destroy any other Government whose Ministers he found accredited to the United States, and recognized by this Government, when he took the oath of office."

"When President Cleveland entered upon the duties of his office on the 4th of March," continued Mr. Chandler, "he was confronted with the following state of facts in relation to Hawaii: First, the Queen, Liliuokalani, had been deposed and a Provisional Government substituted for the monarchy displaced. That Government was in political possession of the territory of Hawaii, all the Government buildings, revenues and property thereof. It had been recognized by the United States and by almost if not all the great Governments of the world. Ministers representing the new Provisional Government were in Washington under full recognition of the United States, acting through the Administration of President Harrison. Not only had the new republic in Hawaii been fully recognized by the United States, but the United States had agreed with the representative of said Government on the form of a treaty contemplating annexation of Hawaii to the United States, which treaty had actually been drawn and approved by the President, and by him referred to the Senate for its approval or rejection."

"Under this state of facts, about which there is no dispute, the question arises, What constitutional power has Cleveland over the premises? The subject is necessarily divided into two hemispheres: First, the establishment and recognition of the Government; second, the relation which Hawaii should have to the United States in the future."

"The first hemisphere of the subject had been settled and consummated. All that related to the establishment and recognition of the Government of Hawaii as an independent republic was by the United States under President Harrison's administration fully concluded. There was nothing incomplete in respect to it; nothing further to be done to consummate the recognition of Hawaii as an independent republican Government."

"The second hemisphere of the case, relating to the proposed annexation of Hawaii to the United States, concerning which the treaty had been drawn, was incomplete and unconsummated. Over the completed and consummated hemisphere of the matter Mr. Cleveland had and has no jurisdiction whatever. Over the second and unconsummated hemisphere of the subject he had full constitutional jurisdiction. He had full power to withdraw the treaty of annexation pending before the Senate. The treaty, being withdrawn, and the proposition of annexation being determined against the project, the only surviving question is: 'Is the act of President Cleveland in setting on foot an inquiry touching the facts under which the independence of the republic of Hawaii was accomplished, and declared and recognized by this Government, constitutional and within the jurisdiction of President Cleveland, or is his conduct in this respect and in the overthrow of said republic without constitutional authority and revolutionary?'"

"The office of President of the United States is a continuing office. Administrations of that office are divided into periods of four years each by the Constitution itself. There is no provision in the Constitution authorizing one President to review and revise consummated acts of his predecessor. A President entering upon an administration of the Government is directed to the future, and not to the past. Otherwise, his term would include four years in the future and an indefinite past."

"There is no constitutional support for the assumption that one President is less wise, less patriotic or less sagacious than another. The powers of the office do not rise and fall by a measurement of the relative accomplishments, whether real or assumed, of the men who temporarily fill the office. What is done and consummated by one administration is done and consummated by the United States, and not, in contemplation of law, by the person who, for the time being, speaks for the United States. The power to review and revise the acts of a predecessor assumes higher power in the office which reviews than exists in the office whose conduct is reviewed. There is no constitutional warrant or jurisdiction for this assumption as applied to different Presidents. The powers of one President are absolutely identical and equal with the powers of all Presidents."

"Under the decision of Caleb Cushing that one administrative officer cannot revise and review the consummated acts of his predecessor, Mr. Cleveland had no constitutional power to appoint Mr. Blount a tribunal to hear and consider the facts under which President Harrison acknowledged the supremacy and validity of the Provisional Government in place of the monarchy in Hawaii. He had no more power to do this than he would have to institute an original inquiry into the establishment and recognition of the republic of France. The establishment and recognition of that republic was consummated years ago. The establishment and recognition of the Hawaiian republic, though more recent, had been absolutely accomplished and consummated before Mr. Cleveland entered upon the office as President. He cannot convert this Administration into an appellate court to consider and decide upon the real or alleged errors and mistakes of Mr. Harrison's Administration. When Mr. Harrison's Administration expired by law, what had been done and fully completed under his authority as President was final, and was beyond the power and jurisdiction of his successor to inquire into, set aside, or modify. If one administrative officer may occupy itself by inquiries into the sufficiency of facts upon which its predecessor acted, and as the result of such inquiry substitute its judgment for the judgment of the past administration, then the principle above stated of equal authority among Presidents is overthrown. It is only by the preservation of this principle that governmental affairs become orderly, permanent and dignified."

"The spectacle of a President overthrowing by military force an established government of a foreign country on *ex parte* affidavits taken in secret is novel. If he may do this, and in the vicissitudes of the future Mr. Harrison returns to office he could enter upon a new inquiry touching the validity of the evidence on which Mr. Cleveland overthrew the republic of Hawaii, and, finding it insufficient in his opinion, order the republic restored by the use of the same naval force which overthrew it under the orders of Mr. Cleveland."

In support of these observations Mr. Chandler quoted a number of unquestionable legal authorities.

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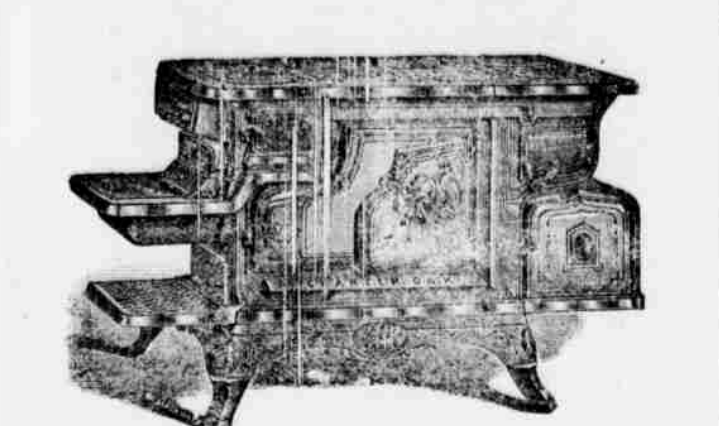
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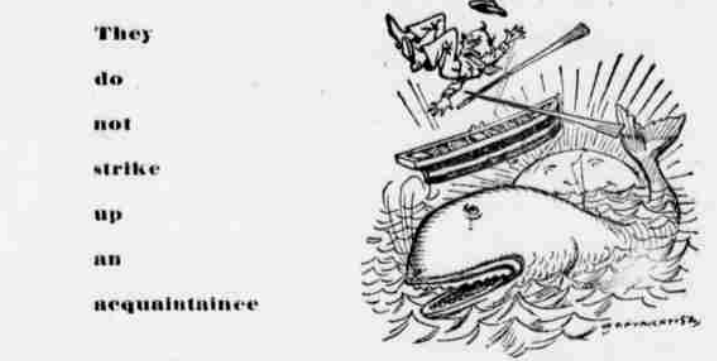
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